

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RITA'S WATER ICE FRANCHISE	:	CIVIL ACTION
CORPORATION and RITA'S WATER	:	
ICE, INC.	:	
	:	
	:	
v.	:	
	:	
A.J. ICES, L.L.C., MARK SHORR	:	
and LINDA SHORR	:	NO. 02-4849

O R D E R

AND NOW, this day of August, 2002, upon consideration of the parties' stipulated request by telefax of this date for a consent order, because although the party whose actions will be restrained may consent to the entry of an extended TRO, see Fed. R. Civ. P. 65(b), there must be some specified duration and the parties have provided none; because although a party may seek interim injunctive relief pending the outcome of arbitration proceedings, see Ortho Pharmaceutical Corp. v. Amgen, Inc., 882 F.2d 806, 812 (3d Cir. 1989), it appears that plaintiffs have not invoked the arbitration process but have filed a court complaint seeking relief which, at least as pled, is not tied to that process without suggesting they wish to waive their right to resolve their claims through binding arbitration, see PaineWebber, Inc. v. Faragalli, 61 F.3d 1063, 1068-69 (3d Cir. 1995); and, as the parties' posture and intent are sufficiently unclear from what they have submitted to allow the court conscientiously to enter the proposed order as drafted, **IT IS HEREBY ORDERED** that the request is denied.

BY THE COURT:

JAY C. WALDMAN, J.